



INSIDE ALEC

August 2007

A Publication of the American Legislative Exchange Council

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Gun Control in the Nation's Capitol

By Jorge Amselle



Residents of Washington, D.C. have an individual right under the Constitution to own handguns and use them for self defense. This is hardly news to most Americans, but the ruling by the U.S. Court of Appeals for the D.C. Circuit in *Parker v. District of Columbia*, which recognized this right,

has sent waves of shock and indignation through city officials and caused some trepidation among the criminal class—sadly, a key constituency in D.C. politics.

In 1976 the District of Columbia required that all firearms be registered, all owners be licensed, and further prohibited the sale of new handguns. D.C. law also requires that all firearms be stored either locked up or disassembled and, of course, unloaded. So, while D.C. residents may own rifles and shotguns (after completing a lengthy and cumbersome application and registration process) they may not own handguns (unless they were registered in 1976) and are precluded by law from having any firearm in a state which would lend itself to be useful for self-defense.

Mayor Fenty has indicated that the city will seek an injunction (so the old law can still be enforced) pending an appeal to the Supreme Court. However, the consensus among many legal scholars is that this new more conservative Supreme Court is more likely to view the second amendment as granting an individual right to gun ownership rather than a collective right, as favored by gun prohibitionists. Regardless, court watchers do not expect the Court to hear the case (grant Cert.), allowing the lower court ruling to stand.

This latest battle over gun control laws is just part of the landscape that has see-sawed dramatically over the past forty years. In Congress, the hey day of gun control began with the 1968 passage of the Gun Control Act and, with a

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ALEC Calendar

December 5-8	States & Nation Policy Summit	Washington, D.C.
May 14-17	Spring Task Force Summit	Hot Springs, AR
July 30 - August 3	ALEC Annual Meeting	Chicago, IL

ALEC Federal Update

OSHA and You

On May 24, 2007, the U.S. House Committee on Labor, Subcommittee on Workforce Protections, held an oversight hearing on "Workplace Safety: Why do Millions of Workers Remain Without OSHA Coverage?" The topic of the hearing addressed Occupational Safety and Health Act regulations for state and municipal employees. The Majority side advocated applying federal OSHA standards to those employees. H.R. 2049, the Protecting America's Workers Act, is one piece of legislation introduced to address those concerns. The legislation would drastically change nearly 40 years of U.S. Code and have federal OSHA laws apply to each state's public employees. Current law allows states the ability to opt-in and follow federal standards, and to date, twenty-six states have freely chosen not to. This is a perfect example of federalism working. ALEC supports states' rights and has submitted the following statement for the official hearing record to raise concerns about this legislation.

**Written Statement of Lori Roman
Executive Director,
American Legislative Exchange Council
Submitted for the Record
U.S. House of Representatives
Committee on Education and Labor
Subcommittee on Workforce Protection
May 24, 2007**

I write in opposition to H.R. 2049, the Protecting America's Workers Act. Although the intent of the legislation, which would apply Occupation Safety and Health Act (OSHA) regulations to state and municipal governments, is noble, the ramifications on state sovereignty would be dramatic.

The American Legislative Exchange Council (ALEC) represents more than 2,400 state legislative members. ALEC is the nation's largest nonpartisan, individual membership association of state legislators. One-third of all state legislators belong to ALEC, in addition to more than 300 private-sector members.



As a representative to such a broad coalition of state interests, ALEC is extremely troubled by the federal usurpation of power that would come with enactment of this flawed legislation.

While ALEC strongly believes it is important to provide safe working environments for public employees, we oppose mandating that all state and local government employees be covered by federal OSHA laws. As strong believers in the 10th Amendment, ALEC prefers that workplace safety laws, or the ability to opt-in to federal standards, be ultimately left with state legislative bodies.



ALEC Federal Update

OSHA

Continued from page 3

Section 102 of H.R. 2049 requires all state and local governments to comply with all OSHA requirements, or face federal penalties. This is unnecessary and burdensome. Since the original enactment of OSHA in 1970, individual states have been given two options to cover their public employees and to receive federal matching funds. As of 2007, 26 states have opted not to follow this federal model, and have chosen to keep regulations at the individual state level.

The current system works well because states' workplace laws are required to be at least as effective as the federal laws. In fact, many states have passed a variety of laws or implemented regulations regarding safe work practices, some of which are the same as OSHA requirements and some of which go beyond what OSHA currently requires. This is a perfect example of federalism working, as intended by our Founding Fathers when writing the U.S. Constitution.

Proponents of federal coverage argue that the current arrangement does not work because not all states have adopted the OSHA program. Yet there is really no evidence that public sector employees in non-state plan states suffer injuries more frequently than those in states where the federal standard does apply.

Numerous examples of workplace accidents exist in states following the federal standards, including two heavily regulated states, New York and New Jersey. Nine New York transit workers have been killed since 2000, and just last month in Newark, New Jersey, a cargo worker was killed when equipment used to support the tail section of a plane fell on him. Although workplace accidents, injuries, and deaths are tragic, many are a result of human error, and proponents of federal coverage are unrealistic in assuming that all workplace accidents will be non-existent if the program is federalized.

The proposed expansion, therefore, is a radical and unnecessary shift in jurisdictional power that would result in extending the federal government's reach into laws our Constitution reserves for the states.

Along with being state legislators, our members are also workers and citizens of their respective states. Job safety for public employees is very important to state and local elected officials. Public employees are friends, neighbors, and a large part of daily lives for these elected officials.

Again, I must reiterate ALEC's strong opposition to H.R. 2049. The current system is working as our Founding Fathers intended, and any changes in OSHA regulations should be done on a state-by-state case, not by a one-size-fits-all federal standard.

The goal of the Federal Affairs office is to foster dialogue between ALEC members at both the state and federal level. Throughout its history, ALEC has focused primarily at the state level; however, in order for members to ensure their legislative initiatives are effective, they must maintain a keen interest in policy at the federal level. Great opportunities exist to bring state legislative leaders into contact with their federal counterparts. These opportunities for information exchange allow us to protect a sound and balanced government and stay true to the Jeffersonian principles ALEC upholds.

Michael J. Correia is ALEC's Director of Federal Affairs. He may be contacted at mcorreia@alec.org.

No Classroom Left Barren

By Dave Saba

It is back to school time in America and all across the country you will see stories about student testing, school spending, and achievement gaps and what to do about failing schools. But the debate on the crippling teacher shortages, and the difficulties school districts face in recruiting high quality people to teach our students, is relatively silent. Education leaders continue to avoid the problem and are slow to fully leverage ways to recruit and certify new teachers.

Shortages

As is always the case in education battles, it is the students who suffer. There are 3.2 million K-12 teachers in America, and the U.S. Department of Education reports “only” 2.5 percent are teaching on emergency waivers. That sounds small, but it actually leaves 80,000 classrooms and at least 1.2 million students

nationwide without a certified teacher. No matter what state you are in, I can guarantee that you do not have enough math teachers and it is not getting any better.

Consider the facts from the National Center for Education Statistics (NCES): In 1970, 25 percent of Bachelors and Masters degrees were earned in education compared to 14 percent in 2003. Further, in 2004, 8.4 percent of educators left teaching compared to 5.6 percent in 1990. College students today are not going into teaching while at the same time, the Baby-Boomer teachers are retiring in record numbers.



The education establishment blames low teacher retention for the shortages. We all want teachers to stay in the classroom longer, but improving retention is by no means an absolute solution to the teacher shortage. Retention rates in all careers are declining as today's workforce is made up of career changers. According to the U.S. Department of Labor, 18-40 year olds will switch jobs more than 10 times, with 55 percent of those switches being complete career changes. We cannot expect that teaching will be the one career to defy this societal shift. The education establishment needs to

harness the reality of the career changer society in which we live and utilize new and innovative methods to recruit talented mid-career professionals into the classroom.

Unfortunately, while states are quick to accept emergency-certified teachers and recruit teachers from overseas, they

have been hesitant to accept new certification routes that would attract career changers into the classroom. School districts need to understand that they are competing with all businesses for talent and having only one or two routes to teacher certification will not produce the quantity or quality of teachers that students deserve.

Alternative Certification

The American Board for Certification of Teacher Excellence (ABCTE) offers the Passport to Teaching certification—a premiere, national route to teacher certification designed specifically for mid-career professionals. All candidates for Passport to Teaching

certification must hold a bachelor's degree, complete a customized teacher preparation program and demonstrate mastery on rigorous examinations of subject area and professional teaching knowledge. Prior to earning certification, candidates must also pass a federal background check.

With a Passport to Teaching certificate, successful candidates can apply for a teaching license in the states of Florida, Idaho, Mississippi, South Carolina, New Hampshire, Pennsylvania and Utah. The American Board is also actively working to earn recognition for Passport to Teaching in other states. After earning the Passport to Teaching, teachers are also eligible to participate in the American Board's mentoring program.

ABCTE is also developing a Master Teacher certification, a distinction for exceptional teachers who consistently and positively affect their students' achievement. This program has been implemented as a pilot in Florida and Ohio to certify Master Teachers based on student achievement, live observation of teachers in the classroom, mastery of subject matter and principal recommendation. ABCTE expects to launch the Master Teacher program next year to provide states another option for recognizing great teachers in the classroom.

Research Results

Research on alternative certification demonstrates the effectiveness of these teachers. A study by the North Central Research Education Laboratory found that 74 percent of principals rated their alternatively-certified teachers as equal to or better than other new hires. In 2006, ABCTE commissioned Mathematica Policy Research, Inc. to perform an independent survey of principals who have hired ABCTE teachers. In this study, 96.9 percent of principals said that ABCTE

teachers were "as effective" (or "more effective") in the classroom than other educators. Principals gave ABCTE teachers higher effectiveness scores than "all other teachers" in 11 areas of pedagogy and 84 percent of principals expressed confidence in the ABCTE certification program, based on the performance of their ABCTE teachers. This and other research on the effectiveness of alternative teacher certification can be found at www.abcte.org/research. But even with solid research, states still mandate unnecessary barriers to certification, leaving thousands of classrooms without a teacher each fall.



State Action

Students are suffering today, but it will be American businesses and our economy that will suffer tomorrow, especially in math and science. NCES also reported that 21 percent of high school and 65 percent of middle school mathematics teachers do not have a degree in math. Even worse, 45 percent of high school and 86 percent of middle school physical science teachers do not have a degree in science. Basic economics tells us that increasing the supply of teachers will also lead to higher quality as principals have more applicants to choose from.

ABCTE can help your state. Our program has already recruited more than 4,000 career changers into teaching, over 1,600 of those in math and science, and ABCTE continually works to offer the Passport to Teaching program as another teacher certification option for states.

At the start of the 2006 school year South Carolina was short 680 teachers and needed to hire 8,101 new teachers to fill vacancies. As a result, South Carolina has passed legislation to become the seventh state, joining

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A Review of Global Warming Science

By Daniel Simmons

Across the country people are saying that it is time to “take action” against climate change. As a result, this year more than 350 bills were in state legislatures that either regulated greenhouse gases or laid the groundwork to regulate greenhouse gases. This is a five-fold increase in legislative activity on this subject from last year. Efforts to regulate greenhouse gases are afoot at the federal level as well. Before we rush off half-cocked and institute measures which will increase the price of energy, and thereby increase the costs of all goods and services, we should understand some important issues on climate change science.

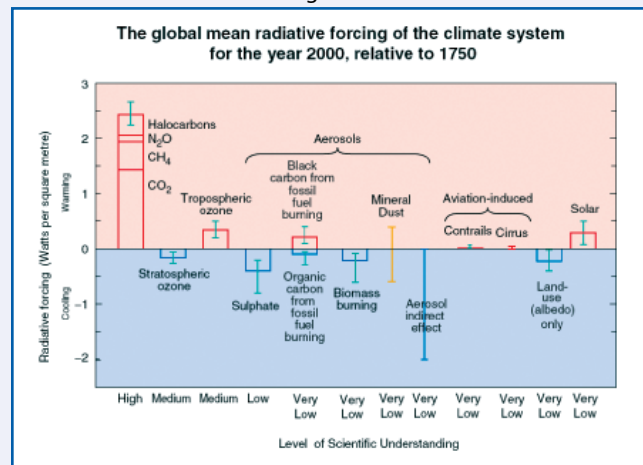
What Do We Know about Climate Change?

The earth's climate is variable. It was variable before humans were the dominant species on the earth. During the last Ice Age, glaciers covered almost all of Canada and into the northern United States. During the Jurassic period, when dinosaurs roamed the earth, it was much warmer. Neither of these changes was caused by humans.

In the more recent past, the earth was in period known as the Little Ice Age. This ended in the late 1800s and the earth has warmed since that time. Also since the 1800s we created the industrial revolution and our burning of fossil fuels has caused carbon dioxide levels to increase in the atmosphere.

Carbon dioxide is a greenhouse gas, and if everything else remained constant, the increase of carbon dioxide should lead to some warming of climate, but everything else has not remained constant. In other words, human activities are likely responsible for part of the warming we have experienced since the end of the Little Ice Age. The real question is how much of the warming is attributable to human activities? We know that at the local level humans are definitely causing warming because of “urban heat islands.” Our self-constructed environment of concrete, pavement, and other surfaces retains heat more than vegetation. But on a global level the only way we can access man's impact on the environment is through computer models.

Figure 1



Computer Models

Despite claims that show that humans are impacting climate, climate models cannot accurately model climate. For example, if you took the exact climactic condition on the earth in January 1, 1980 and fed it into a climate model, the model cannot even come close to describing the climate of today. Even the authors of the U.N. Intergovernmental Panel on Climate Change (IPCC) admit to this. As Kevin Trenbeth, a lead author on the IPCC report, has written:

None of the models used by IPCC are initialized to the observed state and none of the climate states in the models correspond even remotely to the current observed climate. In particular, the state of the oceans, sea ice, and soil moisture has no relationship to the observed state at any recent time in any of the IPCC models.

In other words, climate models cannot recreate the climactic changes we have seen in the past. As such, we know they cannot skillfully predict the future. While Kevin Trenbeth acknowledges limitations in the global climate models, he believes that the models provide good, general information about climate. But even they have to be questioned because of the inability of the models to recreate earth's climactic conditions.

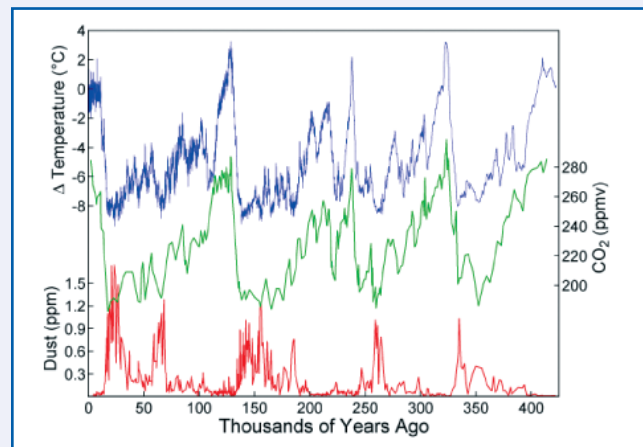
Besides not being able to predict the future with any skill, climate models cannot predict the regional climate and the problem at the regional level. The American Association of State Climatologists has stated, “climate predictions have not demonstrated skill in projecting future variability and changes in such important climate conditions as growing season, drought, flood-producing rainfall, heat waves, tropical cyclones and winter storms.” In other words, climate models cannot predict with any accuracy any of the things that matter most about climate. When we hear claims that climate change will lead to droughts, less snow pack, etc., it is important to understand that these claims are not supported by models because the models cannot predict these claims with any degree of accuracy.

One of the reasons climate models cannot be used to predict future climate accurately is because we do not understand all of the climate “forcings” very well. Climate forcings are the ways in which factors such as the sun and the chemical makeup of the atmosphere cause the climate to change. We think we understand how greenhouse gases force temperatures, but we don’t have a good understanding of ozone’s impact, aerosols, or solar activity. Figure 1 is from the International Panel on Climate Change. It shows that we think we understand how greenhouse gases, on the left, affect climate, but that we have a relatively low understanding of important cooling factors such as aerosols and a low understanding of changes in how the sun affects earth’s climate.

Some of the latest scientific papers show that the cooling effect of aerosols is greater than previously understood. An August 2006 article in *Science* stated, “the authors estimate that anthropogenic aerosols [create]...a forcing on climate that is larger than, and of opposite sign to, that of greenhouse gases.” Popular belief with respect to climate change states that the sun’s changes do not impact earth’s climate much, but this is changing as scientific knowledge progresses. A recent paper in *Geophysical Research Letters* found that the sun contributed as much as 45–50 percent of the 1900–2000 global warming, and 25–35 percent of the 1980–2000 global warming.” According to this paper, “the solar impact on climate change during the same period is significantly stronger than what some theoretical models have predicted.”

As noted earlier, carbon dioxide levels in the atmosphere are increasing. If everything else remained the same, this should cause some warming. But everything else does not remain constant. Humans release aerosols which decrease the temperature and changes in the sun’s radiance increase

Figure 2



the earth’s temperature. The earth’s climate is a complex system and it is very difficult to model such a complex system when we do not understand everything that affects climate.

Carbon Dioxide and Temperature

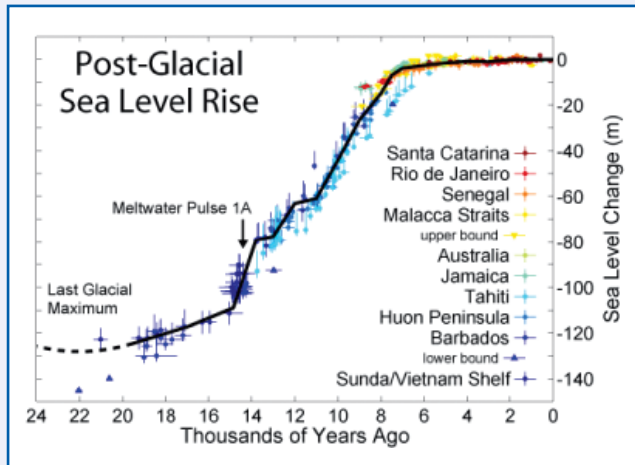
But some people, such as Al Gore, argue that we know plenty about climate and that there is one factor above all that changes temperature—carbon dioxide. In his movie, *An Inconvenient Truth*, Al Gore displays a large chart that shows temperature changes over time and carbon dioxide changes over time. The chart he shows is similar to Figure 2. The top line shows the temperature over time, the middle line shows the carbon dioxide concentrations, and the bottom line shows the amount of dust.

In *An Inconvenient Truth* Al Gore says that the relationship between temperature and carbon dioxide is “complex” and implies that carbon dioxide changes drive temperature changes. The problem with this theory is that there are numerous papers that show that temperature increases *precede* carbon dioxide increases. If carbon dioxide rises after temperature, then it is obvious from the examples in the past that carbon dioxide was not the driver of temperature.

Specific Claims about Global Warming

People who are concerned about global warming trot out a few examples of how humans are harming the earth. These people say that human activities are causing the retreat of glaciers, causing sea levels to rise, and making hurricanes more frequent and stronger.

Figure 3



Retreat of Glaciers

Many glaciers around the world are retreating, but that does not necessarily mean that humans are causing the retreat. A perfect example of this is the retreat of the glaciers on Mount Kilimanjaro in Africa. Many people, including Al Gore, cite this as evidence of human-included global warming. But according to the latest science, the retreat of the glacier is not caused by human-induced global warming. The authors of an article published in the July–August edition of *American Scientist*, state that “global warming has nothing to do with the decline of Kilimanjaro’s ice, and using the mountain in northern Tanzania as a ‘poster child’ for climate change is simply inaccurate.” The Kilimanjaro glaciers are retreating, not because of warmer climate (in fact the temperature is always substantially below zero), but because there has been a drying of the surrounding air, which means less snowfall to build up the glaciers.

But what about the glaciers in the rest of the world? First, it should come as no surprise that many glaciers are in retreat. The Little Ice Age, which lasted from the 1600s through the mid 1800s, was a period of colder climate than today. Glaciers grew when the earth was cooler and they are now retreating in today’s warmer climate.

If carbon dioxide increases were driving the melting of glaciers then the decline in the size of glaciers should be increasing. But they are not. In fact, the rate of glacier melt is not increasing. In other words, while many glaciers are decreasing in size, they are losing smaller amounts every year.

Sea Level Rise

Sea levels are rising. But sea level rise is not a new phenomenon. Sea levels have been rising for the last

10,000 years—since the end of the last ice age. When glaciers covered much of the Northern Hemisphere so much water was locked up in the ice that it lowered sea levels. As the earth’s climate warmed and the glaciers melted, the water returned to the sea, increasing the sea level. Figure 3 shows how sea level has risen over the past 20 thousand years.

In more recent times the rate of sea level rise has decreased. Sea level is still increasing, but not as much as in the past. But this is the opposite one would expect if carbon dioxide increases were driving sea level rise.

If increasing levels of carbon dioxide were leading to sea level rise, then the rate of sea level rise should be increasing, but it is not. Figure 4 shows sea-level rise from 1904–2003. The graph shows that sea levels have continued to rise, but that the rise slightly slowed during the second half of the 20th century. In the first half of the 20th century sea level rose by 1.91 ± 0.14 mm/yr compared to 1.43 ± 0.14 mm/yr during the second half of the 20th century.

Sea level is indeed rising. Sea level rise is partially a result of global warming, but that global warming started 20,000 years ago—far before humans could impact climate in any way.

Global Warming and Hurricanes

In Al Gore’s movie, *An Inconvenient Truth*, he prominently featured the aftermath of Hurricane Katrina to create the impression that global warming will lead to more intense hurricanes. But his view is not supported by science. In November 2006, the World Meteorological Association released a consensus statement that read, “Though there is evidence both for and against the existence of a detectable anthropogenic signal in the tropical cyclones (hurricanes) climate record to date, no firm conclusions can be made on this point.” Even the U.N.’s Intergovernmental Panel on Climate Change recently stated that while there is some evidence of increased hurricane intensity, “there is no clear trend in the annual numbers of tropical cyclones.”

In its recent consensus statement on hurricanes, the World Meteorological Association also stated that “No individual tropical cyclones can be directly attributed to climate change.” This means that it is incorrect to say that Hurricane Katrina was caused by global warming, because it was a one-time event, just like the abnormally calm 2006 hurricane season. Which is a better example of the results of global warming—Hurricane Katrina or the fact that no hurricanes made landfall in the U.S. in 2006?

All Bad News, But No Good News

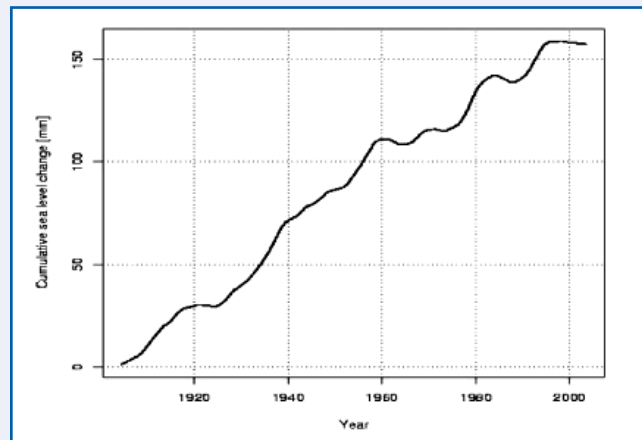
Every time we hear something about climate change all we hear are claims that climate change is causing bad things to happen. Global warming is causing more hurricanes, it is causing sea level to rise, it is causing too much rain and flood, it is causing too little rain and drought. It cannot possibly be the case that all of the results of climate change are universally bad. Yale Professor Robert Mendehlson testified before the Senate in 2000 and explained that in net, climate change will likely be beneficial for the United States:

Climate change is likely to result in small net benefits for the United States over the next century. The primary sector that will benefit is agriculture. The large gains in this sector will more than compensate for damages expected in the coastal, energy, and water sectors, unless warming is unexpectedly severe. Forestry is also expected to enjoy small gains. Added together, the United States will likely enjoy small benefits of between \$14 and \$23 billion a year and will only suffer damages in the neighborhood of \$13 billion if warming reaches 5°C over the next century. Recent predictions of warming by 2100 suggest temperature increases of between 1.5°C and 4°C, suggesting that impacts are likely to be beneficial in the U.S.

Conclusion

Climate change is a very important issue for all of us. As we consider policy regarding climate change we should understand one of the most important principles in statistics—correlation is not causation—just because two things happen together, such as carbon dioxide increases

Figure 4



and temperature increases, does not mean that carbon dioxide is driving temperature increases. We must remain humble about our climate models and understand that they cannot predict the future, or anything close to it.

Climate science is ever-improving, but there is still a lot we do not understand. Before we understand more about what is driving climate change, we should be careful about the legislation we enact to “combat climate change.” Most plans, such as capping carbon dioxide emissions, will be very, very expensive for Americans. Not only will it increase the costs of all goods and services, but it will put us at a competitive disadvantage to all of the developing countries of the world. Instead of enacting harmful programs with climate change legislation, we should “first, do no harm.”

Daniel Simmons is the Director of the Natural Resources Task Force at ALEC.

Classroom

Continued from page 6

Florida, Mississippi, New Hampshire, Pennsylvania, Idaho and Utah, to recognize ABCTE's Passport to Teaching program, as a route to state teacher certification.

In Texas, Governor Rick Perry vetoed legislation which would have provided financial incentives to teachers certified through the National Board for Professional Teaching Standards (NBPTS) because it excluded other teacher certification groups.

According to Governor Perry's veto message to the Texas legislature, "By allowing stipends only for NBPTS certification, House Bill No. 2646 essentially is a vendor-specific bill that would put NBPTS at a distinct advantage over competing certification programs, including the American Board for Certification of Teacher Excellence.... There is no reason to preference NBPTS certification over other worthwhile programs that recognize teachers who consistently improve student performance."

While we wait for people to act, we will watch our teacher shortage grow, our teacher quality decrease, and see America's competitiveness drop. This is why ALEC has approved model legislation to help state legislators

take control of this pressing issue and act now through the Alternative Teacher Certification Act, which is available online at www.alec.org. For more information, please email Kate Bueler – kbueler@abcte.org

Dave Saba is the President of the American Board for Certification of Teacher Excellence, located in Washington, D.C.

About the American Board for Certification of Teacher Excellence (ABCTE)

The American Board for Certification of Teacher Excellence (ABCTE) is a non-profit 501(c)(3) organization committed to recruiting, certifying and supporting excellent teachers essential for achieving student success. Founded in 2001, ABCTE addresses the need to place highly qualified teachers in every classroom. By offering a premier teaching credential, ABCTE opens new pathways into the classroom, helping states, districts, and communities meet the requirements of the No Child Left Behind Act of 2001. For more information about ABCTE, please visit www.abcte.org.



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AMERICAN LEGISLATIVE EXCHANGE COUNCIL

ALEC



Kansas Seeks Free-Market Health Care Reform

By Erica Schatz



A free-market health care plan promising less government interference and no new taxes could be on the horizon in Kansas.

KanCare, created by newly elected state Rep. Jeff Colyer (R-Overland Park) and an ALEC Member, is billed as an alternative to the traditional big-government, complicated plans already in existence. Colyer is a medical doctor and member of the state's House Health and Human Services Committee.

The plan is made up of a series of bills that will take several years to pass. In March, the House passed by voice vote H.R. 6009, which charges the state bank commissioner with educating state-chartered banks about health savings accounts (HSAs).

This is only one aspect of the plan; the legislature did not have time to consider any other parts before the session ended in April.

"Right now the health care system in Kansas is like a wobbly, three-legged stool, divided unevenly between growing government programs (23 percent), shrinking private health insurance coverage (65 percent), and the uninsured (10.9 percent)," Colyer explained in a statement

on his Web site. "We strengthen the wobbly three-legged stool [in]to a table with four sturdy legs."

Addressing Issues

KanCare is a four-part program that seeks to capitalize on the private insurance market, steer away from dependence on Medicaid, target government programs to those most in need, and increase the quality and availability of charity care. Each of KanCare's parts is uniquely designed to work with the others to comprise the platform, with the goals of making health insurance more affordable, reforming Medicaid, and expanding consumer choice.

KanCare's four parts are:

- Combine tax credits with market competition to automatically reduce costs.
- Shift Kansans from Medicaid to private insurance plans, with comparable affordability.
- Allow consumers to set aside money for health-related expenses in savings accounts, and offer wellness incentives.
- Improve charity care through free or low-cost clinics.

Using Market Competition

"KanCare's approach to the private market is distinctive because it takes advantage of market competition," said Christie Herrera, director of the Health and Human Services Task Force at the American Legislative Exchange Council. "Increasing competition between insurance companies will drive down costs. It would also increase quality, as consumers who are dissatisfied with their existing plan can 'vote with their feet' and purchase elsewhere."

Health care plans and insurance companies are highly regulated by both the state and federal governments, which makes the process of buying and maintaining health care plans inflexible and at times difficult.

According to the Kaiser Family Foundation, 11 percent Kansans are uninsured (293,220 people). In addition, 10 percent of Kansas residents are on Medicaid (272,210). And while those numbers rank Kansas below the national averages of 16 percent uninsured and 13 percent on Medicaid, KanCare can help the state reduce those numbers even more, said Herrera.

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Kansas

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Learning Quickly

Herrera said Kansas Medicaid spending represents a large share of the state's budget. Currently the state spends \$1.9 billion on Medicaid, and Medicaid rolls grow by 10 percent annually. KanCare, she said, is "the 'non-plan' plan" and a positive approach.

"The trend toward universal health care leaves many lawmakers wanting a slightly-less-big-government plan to bring to the table," Herrera explained. "This plan is attractive to conservatives because it strives to lessen government involvement in the health care system.

"KanCare's Medicaid reform components, including Medicaid health savings accounts, Medicaid 'opt-out,' and enhanced benefits for healthy living will help to make Kansas's Medicaid program more personalized, while eliminating unnecessary care and saving taxpayer dollars," Herrera added.

In creating KanCare, Colyer said he learned from others' mistakes—finding out what worked and what didn't elsewhere. Compared to other states' plans, KanCare is much more streamlined, providing quality access to more citizens with less government control.

The plan could take several years to come to full fruition. Rather than vote on the plan as one large package, legislators will analyze and vote on pieces of legislation over the next several sessions.

"This sets the foundation for larger reforms next year," Colyer told The Capital-Journal newspaper for a March 6 story.

Erica Schatz is a legislative assistant at the American Legislative Exchange Council's Health and Human Services Task Force. This article was originally published in The Heartland Institute's Health Care News in June 2007.

Gun Control

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few pro-gun exceptions like the Firearms Owners' Protection Act of 1986, culminated with the one-two punch of the Brady Bill—mandating background checks on gun buyers—in 1993, and the "Assault Weapons Ban" of 1994. Since then there has been a complete reversal of fortunes for gun control. Congress allowed the "Assault Weapons Ban" to expire in 2004, and passed the Protection of Lawful Commerce in Arms Act in 2005, which protects firearms makers from lawsuits.

In the states, where the American Legislative Exchange Council (ALEC) has been actively working with legislators, there are clear geographic splits. On the pro-second amendment side, mostly in the South and West, the most significant trend has been towards requiring state or local officials to provide licenses to carry a concealed firearm to citizens with no criminal record. Florida was the first of these "shall-issue" states in 1987 and since then 38 more have enacted "shall-issue" legislation. Many of these same states have also enacted legislation, much of it based on ALEC model bills, protecting hunters' rights, pre-empting local gun control laws, and expanding self-defense legislation under the "Castle Doctrine."

On the flip side, about half a dozen states have instead

focused their efforts on increasing gun control. Mostly located on the West Coast and in the Northeast these states have enacted legislation limiting the types of firearms that may be owned or purchased, limiting certain accessories, limiting the private sale of firearms, establishing waiting periods, and mandating licensing and/or registration of firearms and/or owners.

D.C. officials often blame guns for the acts of criminals and attack states like Virginia for having "lax" gun laws. But Virginia, with gun laws that respect the right of gun owners much more than those of neighboring Maryland or D.C., has a much lower violent crime rate, 275 violent crimes per 100,000 residents, than do Maryland with a rate of 700 and D.C. with a rate of 1,371. This begs the question. If Virginia is the source of the guns used by criminals, as D.C. officials claim, what is the source of the criminals? In the end the question maybe be moot as law abiding D.C. residents will likely soon be able to exercise a right they have had all along, the right to the means with which to defend themselves from those who would do them harm.

Jorge Amselle is the Director of Public Affairs for the American Legislative Exchange Council. This article first appeared in the Washington Times, Sunday, June 3, 2007.

ALEC Policy Corner:

At the 2007 Spring Task Force Summit held in Hilton Head, SC, ALEC's eight national Task Force's passed three model bills, three resolutions, and amended one pre-existing resolution. Included here are summaries of the bills and resolutions. The full text of each is located on ALEC's Web site at www.alec.org.

Civil Justice Task Force

The Regulatory Compliance Congruity with Liability Act
The Regulatory Compliance Congruity with Liability Act assures a state's civil justice system is congruent with applicable regulatory systems and that these two principle areas of law do not work at cross purposes.

The Transparency in Lawsuits Protection Act
The Transparency in Lawsuits Protection Act reforms the existing civil justice system to assure there is transparency in regulatory legislation adopted by a state that may create a new right to sue. It prevents "implied" causes of action resulting from regulatory legislation.

Commerce, Insurance, and Economic Development Task Force

Resolution Opposing "Card Check" and Forced, Compulsory Binding Arbitration

This resolution opposes efforts to amend the National Labor Relations Act of 1935 by removing the private election phase of union recognition campaigns and forced binding arbitration on employers during union negotiations. Existing labor law provides for a two-phase process of union recognition: the signing of authorization cards and a private election overseen by the National Labor Relations Board.

Resolution on Trade Promotion Authority
This resolution on Trade Promotion Authority recognizes that the President of the United States should be granted trade promotion authority in order to continue job creation, economic growth, and expand economic prosperity through new trade policies.

Criminal Justice and Homeland Security Task Force

The Responsible Scrap Metal Purchasing and Procurement Act

The purpose of this act is to enhance state laws regarding the purchases of scrap metal by scrap metal processors

and to provide for appropriate penalties involving the purchase of stolen metal goods by scrap metal processors.

Health and Human Services Task Force

Resolution on Reform of Federal Foster Care Financing: Families for All

Urges the United States Congress to act quickly to reform the current federal financial structure for foster care (most particularly, Title IV-E of the Social Security Act) to allow states the flexibility to use more of their federal financing for other effective child welfare services besides foster care maintenance; and to provide federal foster care funding for all children, who are victims of neglect or abuse, regardless of income.

Telecommunications and Information Technology Task Force

A Resolution on Network Neutrality

The amendments to ALEC's Resolution on Net Neutrality consist of A) expanding the scope of the resolution by defining ALEC's position/opinion on states' involvement with the net neutrality issue, which is: States should refrain from introducing and enacting legislation that would regulate the Internet; and B) removing language that was viewed as condoning certain legislative activity on this issue and in doing so makes the resolution more consistent with ALEC's principles.



International Update



U.S. and the E.U.—What America Needs to Know

By A.C. Raizes Karchem

ALEC and the Institute for Policy Innovation (IPI) co-hosted a discussion featuring distinguished guests Syed Kamall, a Conservative Member of the European Parliament (MEP) for London, and George Pieler, a Senior Research Fellow at IPI, on June 20th at ALEC's Jefferson Conference Center in Washington, D.C. Both gentlemen discussed the cumbersome bureaucratic regulation of the European Union and their opposition to its protectionist economic policies that have burdened



Syed Kamall, Conservative MEP for London (left), and George Pieler, a Senior Research Fellow at the Institute for Policy Innovation, speak at ALEC's Jefferson Conference Center.

American companies and competitors across the world. In fact, Mr. Pieler has written extensively about the Microsoft case in which he asserts that the Europeans are anti-Microsoft for no clear reason other than that they are a large corporation and that large corporations are "bad."

This dynamic discussion on contemporary international economic policy highlights ALEC's rapidly growing international affairs program. ALEC's international members, like their counterparts in the U.S., represent both the public and private sectors, with the majority of our public sector members serving in the European Parliament. Mr. Kamall, one of the first International ALEC members, is representative of his many conservative colleagues in Europe who oppose the European Constitution and the bureaucracy of Brussels that stymie free trade and free markets.

To learn more about ALEC's International Relations program please visit us online at www.alec.org. To learn more about the Institute for Policy Innovation please visit www.ipi.org.

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